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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,263	07/24/2003	Stanley T. Mandeltort	30565/38931	9591

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EXAMINER

GEHMAN, BRYON P

ART UNIT PAPER NUMBER

3728

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/626,263	<b>Applicant(s)</b> MANDELTORT, STANLEY T.	
	<b>Examiner</b> Bryon P. Gehman	<b>Art Unit</b> 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/06/04</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 19-20, 27-28 and 33 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The description of "aggressive" and "nonaggressive" adhesives is not clear as to their meaning and scope from the specification, nor what adhesives one of ordinary skill in the art would employ to provide the combination of "aggressive" and "nonaggressive" adhesives.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-7, 10, 17 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0363092. Claims 1-3, 6-7, 10, 17 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Rappaport et al. (2002/0116854). Claims 1-4, 6-7,

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10, 17 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Porteous (6,675,518). Each discloses a storage apparatus for safely storing documents (x-ray film packet, photograph, films 10; respectively), comprising a first transparent sheet (inherently transparent polyethylene 12; 14; 18), a second sheet (13; 10; 16) attached to the first transparent sheet along a seal (14; 18-22; 24-28) to define a pocket, the pocket having an open end (at 16; at 32; at 46), an adherent (26; 24; 38) and an attachment section (opposed to 16; at 22; at 26) adapted to mount the storage apparatus within a container in some manner.

As to claims 2 and 3, the disclosed seals are inherently or expressly air and water tight.

As to claim 4, EP 0363092 and Porteous each disclose heat sealing.

As to claim 5, EP 0363092 discloses the second sheet as the same material as the first sheet.

As to claims 6 and 7, each discloses the seal composed of three segments as claimed.

As to claims 10 and 30, each discloses a releasable tape (column 3, line 55 through column 4, line 3; 26; 48).

As to claim 17, each discloses the adherent as releasable (nonpermanent).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0363092. Claims 2-3 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rappaport et al.. Claims 2-4 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porteous. As to claims 2 and 3, to any degree the seals are not expressed as air and water tight, to completely seal the open end to render the seals air and water tight would be achievable by both Rappaport et al. and Porteous.

As to claims 6 and 7, Rappaport et al. and Porteous each disclose the seal composed of three segments as claimed.

As to claims 8 and 9, the dimensions of the storage apparatus are mere change in size from the prior art, the change in size not being of a patentable significance or rendering any unexpected result.

As to claim 10, Rappaport et al. and Porteus each discloses a releasable tape (column 3, line 55 through column 4, line 3; 26; 48).

7. Claims 11-16 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Rappaport et al. and Porteus in view of Holson (4,244,762). Holson discloses a storage apparatus further comprising a second seal (27 or 29) between opposed first and second sheets, the second seal defining a second pocket with an open end. To modify the storage apparatus of either one of Rappaport et al. and Porteus employing the second seal teaching of Holson would have been obvious

in order to provide a plural pocket structure to separately store separate contents, as suggested by Holson.

As to claim 12, to duplicate the adherent structure of either one of Rappaport et al. and Porteus would have been obvious in order to seal each pocket individually.

As to claims 13 and 14, the dimensions of the storage apparatus are mere change in size from the prior art, the change in size not being of a patentable significance or rendering any unexpected result.

As to claims 15 and 31, the attachment section taught by Holson is an unsealed portion bounded by a continuous water-tight seal (26).

As to claims 16 and 32, the holes (30) of Holson are sized and spaced such that the storage apparatus can be received in a loose leaf binder.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over any one of EP 0363092, Rappaport et al. and Porteus in view of Nichols (2,542,206). Nichols discloses a storage apparatus defined by a single sheet folded over itself. To modify the storage apparatus of any one of EP 0363092, Rappaport et al. and Porteus employing the single folded sheet teaching of Nichols would have been obvious as a well known alternative method of making a storage apparatus from two separate sheets.

9. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Rappaport et al. and Porteus in view of Holson. Rappaport et al. and Porteus (structurally defined above) each disclose a method of preserving a document

comprising inserting a document (picture; dental X-ray) through an open end and into a pocket formed by a water-tight seal between two sheets, at least one of the sheets being transparent, and sealing the open end of the pocket in a water tight fashion with the document inside. Holson discloses a document receiving structure comprised of two sheets, and disposing the structure in a document container (photographic album). To modify the method of either one of Rappaport et al. and Porteus by further locating the pocket structure within a document container as disclosed by Holson would have been obvious in order to contain multiple documents in a common container.

As to claim 22, Rappaport et al. and Porteus each discloses a releasable tape (column 3, line 55 through column 4, line 3; 26; 48) to expose an adherent.

As to claim 23, the holes (30) of Holson are sized and spaced such that the storage apparatus can be received in a loose leaf binder.

As to claim 24, Rappaport et al. and Porteus each disclose an adherent (24; 38) and an attachment section (at 22; at 26) adapted to mount the storage apparatus within a container in some manner. Holson discloses an attachment section (at 30) adapted to mount the storage apparatus within a container.

As to claim 25, Porteus and Holson each disclose heat sealing two sheets to one another.

10. Claims 19-20, 26-27, 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 3, 24 and 30 above, and further in view of Platt (3,279,331). Platt discloses a dual sided tape (3), with the one side having a

permanent adhesive and the other a releasable adhesive. To modify the adherent structure of the prior art further employing the dual sided tape structure of Platt would have been obvious in order to provide an easily manually applied reusable adherent structure, as suggested by Platt.

11. Claims 19-20, 26-29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 3, 24 and 30 above, and further in view of Holcomb et al. (4,838,708). Holcomb et al. disclose a dual sided tape covered by a releasable tape (50) with permanent and releasable adhesives or both releasable adhesives (see column 3, line 62 through column 5, line 42). To modify the adherent structure of the prior art further employing the dual sided tape structure of Holcomb et al. would have been obvious in order to provide an easily manually applied reusable adherent structure, as suggested by Holcomb et al..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is presently (703) 605-1174 and effective November 9, 2004, becomes (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached presently on (703) 308-2672 and after November 9, 2004 on (571) 272-4562. The fax phone number for the organization



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where this application or proceeding is assigned is 571-273-4555 effective November 8, 2004.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Bryon P. Gehman".

Bryon P. Gehman  
Primary Examiner  
Art Unit 3728

BPG